

# Setting ecodesign requirements for sustainable products

Impact assessment (SWD(2022) 82, SWD(2022) 83 (summary)) accompanying a Commission proposal for a Regulation of the European Parliament and of the Council establishing a framework for setting ecodesign requirements for sustainable products and repealing Directive 2009/125/EC – COM (2022) 142

This briefing provides an initial analysis of the strengths and weaknesses of the European Commission's [impact assessment](#) (IA) accompanying the above-mentioned [proposal](#), submitted on 30 March 2022 and referred to the European Parliament's Committee on Environment, Public Health and Food Safety (ENVI). The proposal aims to repeal the Ecodesign [Directive 2009/125/EC](#), which establishes a framework for adopting product-specific requirements set out in implementing measures (usually regulations) by the European Commission. Until recently, the directive focused mainly on the energy efficiency of products and since 2019 also on their lifetime (e.g. availability of spare parts for a certain number of years after the last item has been placed on the market). It currently covers 29 energy-related product groups, ranging from ventilation systems to high-pressure cleaners. The new proposal for a Regulation would establish a framework for setting Ecodesign requirements that would apply to all physical products on the internal market (with a few exceptions), with the aim of making them more durable, reusable, repairable, upgradeable, recyclable and generally less harmful to the environment. Product specific requirements would be set out later, in delegated acts, for each product group separately. The proposal was first announced in the [European Green Deal](#), and then confirmed in the [Circular Economy action plan](#), alongside a [communication](#) on making sustainable products the norm and a [proposal](#) for a directive empowering consumers for the green transition.<sup>1</sup> The Commission included the present proposal in Annex I of its 2021 [work programme](#) (new initiatives) and the 2022 [joint declaration](#) on legislative priorities.

## Problem definition

According to the IA, **the main problem** relating to the topic of the proposal is that consumption and production are not sustainable or adequately addressed by existing EU product and internal market rules, a situation that leads to increasingly divergent national rules on the sustainability of products (p. 8). Throughout the report, the IA refers to 'products placed on the market' in general terms, without defining any specific (category of) products, yet excluding food and feed (as defined in the [General Food Law Regulation \(EC\) 178/2002](#)), as well as raw materials as final products, which the IA considers outside the scope of the present IA. When defining sustainable production and consumption, the IA adopts a broad concept of sustainability that encompasses environmental, social and economic dimensions, and considers that all three dimensions should be considered in a proportionate way when addressing the sustainability levels of a given product. When examining the wider context of the problem against this definition, the IA concludes that many products do not currently meet this broad definition of sustainable production and consumption.

The IA identifies **three sub-problems** as contributing to the main problem (pp. 11-15):

- 1 Product design does not sufficiently take into account environmental impacts over the life cycle, including circularity aspects

The IA explains that around 80 % of a product's environmental impact is determined at the design stage (p. 11). However, the 2020 Circularity Gap [report](#) identified poor product design as one of the chief



contributing factors to continued linearity and reliance on virgin materials. More specifically, the design does not always take into account the need for products to be easily repaired, while increasingly complex product designs create barriers to recycling. As a result, the products are replaced more frequently than before; this involves significant energy and resource use and loss of job potential in the repair, recycling and remanufacturing sectors.

## 2 Too difficult for economic operators and citizens to make sustainable choices about products

According to the IA, it is still too difficult for economic operators and citizens to make sustainable choices in relation to products because of the lack of reliable information on product characteristics and information gaps between suppliers, producers and waste recovery managers (p. 13). A lack of information on e.g. product reparability or durability can be a factor for consumers when deciding whether to replace a product. Another issue, explains the IA, is the price gap between sustainable products, which are in some cases intrinsically more costly to purchase than conventional, less sustainable products. Drawing on the results of a 2013 Eurobarometer survey, the IA argues that 77 % of respondents are willing to pay more for environmentally-friendly products if they are confident about their credentials (IA, p. 190). Although the IA also cites several recent European Commission documents about consumers' willingness to engage in the circular economy (e.g. on p. 197), it does not provide any concrete data on consumers' purchase of environmentally-friendly products over recent years.

## 3 Sub-optimal application of the current ecodesign legislation

According to the IA, there is currently no overarching, integrated EU policy instrument covering the sustainable production and consumption of all products and/or the availability and reliability of sustainability information on all products (p. 18). Rather, there is a patchwork of regulatory instruments, which allows only certain aspects related to product sustainability and circularity to be addressed, and leaves certain highly relevant sectors (such as textiles and furniture) almost wholly unaddressed in this respect. Since implementing regulations have energy efficiency as a primary objective, not all significant environmental impacts of the regulated products are tackled. As a result, Member States, such as France, Germany, the Netherlands, and Finland, are pressing ahead with rules to foster the sustainability of the products placed on their markets and it is likely that the fragmentation of the internal market will continue to increase. This emerged from the businesses' and business associations' responses to the inception IA, quoted in the IA report, although more precise estimates of this fragmentation are not provided (pp. 199-203). Drawing on the results of the [evaluation](#) of the Ecodesign Directive conducted in 2012, the 2020 European Court of Auditors (ECA) [report](#) and a number of more recent sources, the IA discusses the reasons behind the reduced effectiveness and lack of compliance with the ecodesign legislation (sub-problem 3) as well as the drivers of other sub-problems.<sup>2</sup>

The IA elaborates on the consequences of the problem, describes how it would evolve and identifies the stakeholders affected by it. The problem definition in the IA is underpinned by stakeholder consultation results and recent sources, provided by bodies such as the Commission's Joint Research Centre (JRC), European Environment Agency (EEA), ECA, among others. Although the IA acknowledges the shortcomings of the Ecodesign Directive, it also refers to it as a success (pp. 7, 18). To substantiate these claims and the problem definition in general, a more recent fully fledged evaluation of the Ecodesign Directive would have been desirable. Overall, the problem definition remains rather general, while the scope and size of the problem remain unclear, since the IA does not elaborate in detail which specific product groups' consumption and production drive the problem. Furthermore, the problem definition focuses on environmental and economic considerations and much less on social aspects of products, and is therefore not fully in line with the IA's own broad concept of sustainability.

## Subsidiarity / proportionality

In addition to explaining the legal basis (Articles 114 and 3 of the [Treaty on the Functioning of the European Union](#) (TFEU)), the IA briefly discusses the need for EU action and the EU added value that could be created by ensuring a level playing field for businesses and greater incentives for the industry to develop sustainable practices and business models. In addition to this, the IA discusses the proportionality of each sub-option. No reasoned opinions were issued by national parliaments at the time of writing. The subsidiarity deadline was 24 June 2022. The IA provides a dedicated subsidiarity [grid](#) following the [recommendations](#) of the Task

Force on subsidiarity, proportionality and 'doing less more efficiently'. According to the IA and the subsidiarity grid, the Ecodesign Directive approach of implementing measures based on IAs carried out in line with the [Better Regulation Guidelines](#) (BRG) will continue, which will allow for proportionality to be maintained (subsidiarity grid, p. 5). Although the choice of legal instrument (regulation) represents a change from the current approach (directive), the reasons behind this change and its implications in terms of proportionality are not discussed in the IA, nor in the proposal.

## Objectives of the initiative

The **general objective**, as outlined in the IA, is to reduce the negative life-cycle environmental and social impacts of products and improve the functioning of the internal market (IA, p. 21). To achieve this general objective, the following specific objectives have been set (IA, p. 21):

- improve products' sustainability;
- better access to sustainability information along the supply chain;
- incentivise more sustainable products and business models to improve value retention;
- improve application of the sustainable products legislative framework.

According to the IA, operational objectives for specific product groups (defined in terms of the deliverables of specific policy actions) will be determined at a later stage and on the basis of IAs that will accompany future implementing measures. The IA provides a set of indicators and the corresponding data sources to monitor the progress of the initiative, but these do not seem to correspond to the specific objectives set in the IA. Moreover, the specific objectives are rather vague, since the IA does not detail any specific (category of) products. As a result, the objectives are not fully SMART (specific, measurable, achievable, relevant and time-bound), as recommended by the BRG.

## Range of options considered

The IA explains that the current architecture of the Ecodesign Directive, based on product-specific rules laid down in implementing measures, will be maintained. A theoretical alternative would be to introduce **general horizontal rules that would apply to all products**. According to the IA, given the huge number of different types of products and the large variety of their characteristics, a set of horizontal rules would create legal uncertainty regarding what this would mean in practice for a particular product and ultimately require guidance for each product or group. Moreover, the IA argues that the risk of market fragmentation would remain, as general rules would likely be interpreted differently across Member States for particular products. In light of these considerations, the IA explains that general horizontal rules would not be likely to solve the problems identified. Furthermore, it points out that general horizontal rules are clearly inferior to product-specific rules, which can be tailored to the characteristics of the products and the sustainability issues pertaining to them (p. 24). In addition to this, the IA discarded the following measures (IA, pp. 36-37):

- an **obligation for companies to take back, or donate for use, unsold products**, as it seemed to largely replicate the ban on destruction envisaged in sub-option 6b, but in an inefficient manner;
- establishing an **overarching sustainable products framework** (building on sub-options 3a, 3b and 3c). This would take a longer-term view by establishing an overarching framework legislation, including a legally binding set of sustainability principles and long-term targets for the EU and Member States' product policies, as well as implementation plans. The IA concluded that such a framework would not be best placed to ensure its effective implementation, as it would remain a product-oriented policy tool rather than a consumption-oriented one, while legally-binding sustainability principles would need to remain relatively general in nature in order to be applicable to all products within the scope. In addition, the IA identified a substantial risk of diverging approaches being adopted across Member States due to potentially different interpretations of the sustainability principles, raising concerns that the general objective of this initiative would be jeopardised (IA, p. 36).

In addition to the baseline scenario ('do nothing' option 1), the IA assesses a total of six options, each consisting of several cumulative sub-options (IA, pp. 27-37). These are summarised below, with the preferred sub-options highlighted in grey:

- 1 **Option 1 – baseline** implies that the existing provisions of Directive 2009/125/EC would continue to apply and a number of EU and Member States' policies in preparation would be implemented. Drawing on the Eurostat and JRC data, the IA expects slow progress towards sustainable consumption and a rising trend in waste generation and environmental impacts under the baseline (pp.195-196).
- 2 **Option 2 – extension of the product scope of ecodesign legislation**
  - A. Extension to a limited number of priority products, such as energy-related products (including means of transport), textiles, furniture, high-impact intermediary products and chemicals;
  - B. Extension to all physical goods placed on the EU market, excluding food and feed as defined in Regulation (EC) 178/2002, and raw materials, except as intermediary products for the production and use of goods that are placed on the market;
  - C. Extension to all services that have environmental impacts.
- 3 **Option 3 – extension of sustainability requirements for products**
  - A. Enhancing the requirements for sustainability (for instance, as regards durability, reliability, reparability and upgradeability), restricting substances in products that hinder circularity, setting minimum recycled content in products, reducing the carbon footprint, etc.;
  - B. Far-reaching horizontal sustainability requirements for large groups of products sharing the same characteristics, minimum requirements for re-manufacturability and due diligence requirements in relation to specific social or human rights risks where such risks are identified at the level of the product;
  - C. Bans on some products or products containing certain materials.
- 4 **Option 4 – sustainability information for consumers and business-to-business**
  - A. Enhanced information requirements for operators placing products on the EU market, reflecting the data covered under sub-option 3A provided in the physical format, possibly displayed in the form of a label indicating classes of performance;
  - B. European digital product passport making product-related data available via unique identifier/track-and-trace reflecting the data covered under sub-option 4a, including the label indicating classes of performance (introduced in the implementing legislation for groups of products);
  - C. Generalised European digital product passport reflecting cross-sectoral requirements and all the necessary information in terms of product scope, governance, obligation of stakeholders, content and technical features, so that the product passport becomes directly applicable to the products in scope (introduced directly in the main legislative act).
- 5 **Option 5 – reward more sustainable products through incentives**
  - A. Enhancing the existing incentive measures, encouraging Member States to reward products based on their sustainability performance (performance classes developed under sub-option 4a), mandatory green public procurement;
  - B. Linking incentives to performance – the Member States that want to incentivize products would be required to target the highest performance classes of products and to modulate producer responsibility fees according to the performance class of the relevant products;
  - C. Consumption-oriented incentives, such as bonuses for EU citizens who reduce their carbon footprint, and an EU-level excise calculated on the basis of the environmental performance of the products placed on the EU market.
- 6 **Option 6 – measures for circular economy and value retention**
  - A. Promotion of value retention and maximisation – guidelines on supporting circular business models and an EU-wide hub supporting the uptake of circular business models (information, awareness raising, training, best practice exchange);
  - B. Enhanced value retention and value maximisation – the introduction, via secondary legislation, of i) an obligation for economic operators to disclose information on the destruction of unsold consumer products; and ii) a ban on the destruction of unsold products.

## 7 Option 7 – strengthened application of the Ecodesign framework

- A. Improve the current framework to increase efficiency by streamlining the procedures for implementing regulations, introducing possibility to collect data from manufacturers and retailers (treated confidentially), expanding provisions related to third parties in conformity assessment to provide extra safeguards;
- B. Strengthen market surveillance by EU Member States by making relevant product information digitally available to market surveillance authorities (MSAs) and possibly to customs authorities; provide structural technical support, capacity-building and training to MSAs; create a benchmark and a reporting obligation for Member States; and establish requirements for market surveillance checks;
- C. Reinforce EU level implementation and complement Member States' market surveillance where needed; reinforce product monitoring and testing capacity at EU level; introduce EU-level service to assist suppliers and MSAs with implementation; set up a third-party channel for market surveillance for citizens to report suspected non-compliance.

The IA explains that options 2 and 3 address specific objective 1, option 4 addresses specific objective 2, options 5 and 6 are designed for specific objective 3, and option 7 relates to specific objective 4. Since each option relates to a different problem, the options do not represent alternatives from which to choose, and the same applies to sub-options, which are cumulative and therefore do not appear to be real alternatives. The baseline appears to be dynamic, i.e. it takes account of the policies in place and reflects possible developments of these if the ecodesign framework were not updated. More details when explaining the content of the sub-options would have improved its clarity for a non-specialist reader.

### Assessment of impacts

The IA explains that due to the architecture of the ecodesign framework, the actual impacts depend to a large extent on the number of products regulated and the stringency of requirements to be set in subsequent implementing measures that will themselves be subject to more detailed IAs (Annex 10, p. 279). Nevertheless, the IA assesses the options for their economic, environmental and social impacts, 'focused on the potential that a revision of the Ecodesign directive would bring, without prejudice to the actual impacts' (p. 279). Thus, the estimated health and environmental benefits of the preferred sub-option 3b amount to a reduction of GHG emissions of around 117 Mt CO<sub>2</sub> equivalent with a monetary value of around €12 billion per year. According to the IA, consumer savings through the reduction of non-compliant products could amount to €9 billion annually compared to the baseline under the preferred sub-option 7b (IA, p. 52). Under the economic impacts, the IA discusses administrative costs for the Commission and the Member States, compliance costs for business and costs/savings for consumers. Among the few costs quantified in the IA, the one-off costs for the Commission to set up the European digital product passport are estimated at around €8 million, while annual maintenance costs would amount to at least €1 million (Annex 3, pp. 110-111). Under the social impacts, the IA briefly touches upon e.g. new employment opportunities and improved working conditions, but does not cover human rights impacts, despite sub-option 3b's explicit link to human rights risks at the level of the product. The impact on consumer behaviour is discussed in a similarly brief, qualitative manner (pp. 63-64). The IA analyses all sub-options, scores them and compares them with other sub-options of the same option based on the mandatory criteria of efficiency, effectiveness and coherence. Proportionality of each option is assessed briefly in Annex 10 to the IA and is not part of the comparison. Under each option, the IA motivates its choice of the preferred sub-option and concludes by presenting what it refers to as the 'preferred option package'. The overall costs and benefits of the preferred policy package are summarised (for the most part qualitatively) in Table 13 (pp. 108-114). However, the interaction between the preferred sub-options of different options, which the IA claims 'all combine well' (IA, p. 55), is not very detailed. Furthermore, the efficiency, effectiveness and coherence of the preferred option package is not addressed in the IA, contrary to the BRG. As a result, although the IA contains a lengthy analysis of each sub-option, the impacts of the preferred option package remain rather vague.

### SMEs / Competitiveness

Annex 19 to the IA contains a dedicated SME test following the four steps detailed in [Tool #22](#) of the BRG. Its findings are reflected in the assessment of options. The IA provides an estimate of the share of SMEs in the textile, chemicals, intermediary products, motor vehicles and furniture sectors. It reports on the results

of stakeholder consultation at length (including two dedicated SME consultations) and assesses the impacts on SMEs in a qualitative way. The IA states that 'overall the proposed policy interventions do not represent a disproportionate burden to SMEs compared to bigger enterprises' (Annex 19, p. 638). It concludes by discussing a number of measures aimed at mitigating the impact on SMEs, which seems contradictory, as these are only necessary when policy options impose a disproportionate burden on SMEs compared to large enterprises, according to Tool #22 (p. 182). International competitiveness is addressed under the section on economic impacts, although no quantitative estimates are provided. The IA expects that companies selling products in the EU would have to face an increase in compliance costs in the short term. However, the new ecodesign requirements would apply in a non-discriminatory manner to EU and non-EU companies, thereby creating a level playing field, and could become an international benchmark for the product groups concerned in the medium- and long-term (IA, pp. 62-63).

### Simplification and other regulatory implications

According to the IA, the preferred package of sub-options would allow for streamlining of the procedures of the ecodesign implementing regulations (sub-option 7b) and would make maximum use of digitalisation (e.g. digital product passport) (p. 60). The resulting cost savings are not quantified, as they would depend on the number of products covered. However, the IA states that there would be a systematic analysis of administrative costs generated for businesses, citizens and administrations in the IAs accompanying the ecodesign implementing measures (IA, p. 61). The IA elaborates on the coherence of the preferred combination of sub-options with other initiatives, such as Empowering consumers for the green [transition](#), the upcoming green claims [initiative](#) and corporate sustainability due [diligence](#), among others (IA, pp. 7-8, pp. 64-68).

### Impact on third countries

The IA covers impacts on third countries under each option in Annex 10. The third countries are not specified and the assessment is inconclusive. Potential economic and environmental impacts are discussed in general terms, while social or human rights impacts are not covered (Annex 10 p. 291, p. 305, p. 330, p. 366-367, p. 397-398, p. 413).

## Monitoring and evaluation

The Commission intends to monitor the progress of the initiative on an annual basis at the level of the product group, starting two to three years after the specific product measures enter into force. Moreover, it envisages launching a comprehensive evaluation of these measures eight years after their entry into force (IA, p. 70). The latter should build upon the product-specific review studies and focus on the attainment of enhanced environmental and social sustainability of non-food products on the EU market. To this end, the IA proposes a set of indicators assessing, among other things, i) the evolution of environmental and social impacts of product production and consumption; ii) the use of secondary raw materials in product manufacturing and enhancement of circularity; iii) the lifetime of non-food products and abiotic waste generation; and iv) the socio-economic effects on industry sectors, consumers and users (IA, pp. 70-73). According to the IA, the indicators would build on existing data, possibly including Eurostat circular economy indicators, waste statistics, environmental accounting and business statistics. Although the indicators seem to correspond to the broad concept of sustainability used in the IA (IA, p. 8), they do not explicitly link to the objectives set in the IA. Moreover, the IA fails to set concrete targets, which risks jeopardising the evaluation of the achievement of the objectives and the success of the initiative.

## Stakeholder consultation

Stakeholders were offered an opportunity to provide [feedback](#) on the inception IA between 14 September and 16 November 2020. An open public [consultation](#) (OPC) took place between 17 March 2021 and 9 June 2021, fulfilling the 12-week requirement. A total of 626 replies were received to the OPC and 193 replies to the inception IA. The results of OPC and inception IA consultations are reported in Annex 2 to the IA and the views of stakeholders are grouped under the following categories: business associations and companies, EU citizens and consumer organisations, NGOs and public authorities (pp. 85-105). The insights from OPC are reported predominantly in the problem definition and in the assessment of options' impacts part of the IA, and to a lesser extent in the rest of the report. The contributions to the OPC are available [online](#).

Furthermore, the Commission sought feedback through seven dedicated workshops, a targeted stakeholder survey and 49 stakeholder interviews. The results of these activities are presented in Annex 2 to the IA in a concise manner (pp. 91-94). Finally, two targeted SME surveys using tailored questionnaires were carried out, the second one following the negative opinion of the Regulatory Scrutiny Board (see below). A total of 332 replies were received to the first SME survey and only 35 to the second one. Overall, stakeholder consultation appears to have been broad and is transparently reported in the IA.

## Supporting data and analytical methods used

The IA is informed, among other sources, by a support study carried out by an external [consortium](#) of consultants, the results of the stakeholder consultation and several institutional sources. The IA support study was not publicly available at the time of writing, and its results cannot be scrutinised, which goes against the BRG and undermines the report's transparency. Overall, the evidence used in the IA appears to be recent (except for the 2012 [evaluation](#) of the Ecodesign Directive) and relevant, but poorly referenced and only partially publicly accessible. Annex 4 provides an explanation of the analytical methods used in the IA (pp. 115-124). The IA analysis is predominantly qualitative and quantification is limited. The assumptions used in the analysis are clearly stated for each option of the IA (Annex 10, pp. 279-416). A significant limitation of the analysis that is acknowledged in the IA is that many impacts were impossible to measure because they would depend on the specificities (exact requirements, coverage, etc.) to be laid down under the detailed product rules. The IA identifies the costs and benefits of all options, but provides only limited quantification (Annex 3, pp.108-114). According to the IA, at this stage, there are no obvious administrative costs generated for businesses and citizens that would need to be considered as part of the Commission's 'one in, one out' approach. The IA explains that initial administrative costs are limited to public authorities, while administrative costs that would follow from the implementing measures would be analysed and reported (including offsetting) in the accompanying IAs (Annex 3, p. 107).

## Follow-up to the opinion of the Commission Regulatory Scrutiny Board (RSB)

The RSB adopted a negative [opinion](#) on a draft version of the IA report on 17 September 2021, noting that the report contained significant shortcomings. Firstly, the RSB mentions that the report was not sufficiently clear on what would be addressed by the initiative, or by the subsequent implementing legislation. Secondly, the RSB observes that the report did not sufficiently elaborate on the options and their relative merits, nor did it justify the preferred package of sub-options. Thirdly, the report did not sufficiently consider the costs and benefits, the magnitude of the expected impacts, the impacts on SMEs and the expected compliance and administrative costs.

On 21 January 2022, the RSB adopted its second, positive [opinion](#) with reservations on the improved draft IA report, highlighting that it expected a number of aspects to be rectified, as explained in the following sentences. For instance, the RSB found that the report did not sufficiently justify the choice of options regarding the scope and the sustainability requirements. Moreover, the RSB observed that the report did not sufficiently define the methodology and standards that would be used to prioritise and assess products, including for social and due diligence aspects, the definition of sustainability, trade-offs between competing objectives and policy coherence across the products in scope. Finally, the RSB noted that the IA was not sufficiently explicit about the horizontal principles and objectives of the digital product passport and which of its elements needed to be determined on a product-by-product basis. The IA explains how it addressed the recommendations of both RSB opinions (Annex 1, pp. 74-84). Overall, the IA appears to have made an effort to incorporate these recommendations, mainly by adding new annexes to the IA and new sections in the main IA report. As a result, the evidence is not presented in an accessible manner, due to duplications in the main IA report and its many annexes (in total 19), which make the report overly complex.

## Coherence between the Commission's legislative proposal and IA

The legislative proposal appears to follow the IA recommendations, in that it is based on the preferred sub-options and some of the mitigating measures suggested in the IA for SMEs. However, there are several deviations. Firstly, the objective of the proposal deviates from the general objective of the IA, as it mostly aims to reduce the negative life-cycle environmental impacts of products and improve the functioning of the internal market, and does not cover products' social impacts. Consequently, the social aspects (due

diligence requirements) under the preferred sub-option 3b are excluded from the scope of the ecodesign requirements in Articles 1 and 5. According to the proposal's explanatory memorandum, 'due to the adoption of the Commission [proposal](#) for a Directive on corporate sustainable due diligence during the preparation of this initiative, it was deemed appropriate to exclude requirements on social aspects from the scope of this legislative proposal' (p. 8). Secondly, the proposal goes further than the preferred sub-option 2b and also excludes medicinal products for human use, veterinary medicinal products, living plants, products of human origin and products of plants and animals relating directly to their future reproduction, from the scope of the proposal in Article 1.

The present IA accompanies the proposal establishing a framework for adopting product-specific ecodesign requirements to be set in subsequent implementing measures. Among the strong points of the IA is a broad and transparently reported stakeholder consultation. Moreover, the IA carried out a dedicated SME test following the four steps detailed in Tool #22 of the Better Regulation Guidelines and reflected its findings in the assessment of the options. Despite the effort involved, the IA contains a number of shortcomings that limit its potential to usefully inform policy-making. To begin with, a significant limitation of the analysis that is acknowledged in the IA is that many impacts were impossible to measure because they would depend on the specificities (e.g. exact requirements, coverage) to be reflected in the detailed product rules (implementing measures). Furthermore, neither the options nor their sub-options appear to be actual alternatives, due to the fact that they have a cumulative nature and are linked to different specific objectives. Moreover, the interaction between the preferred sub-options within the preferred option package is not very detailed, since most of the effort is dedicated to explaining the choice of the preferred sub-option under each option. Moreover, the IA does not address the efficiency, effectiveness and coherence of the preferred option package, contrary to the BRG. As a result, although the IA contains a lengthy analysis of each sub-option, the impacts of the preferred option package are discussed very briefly and remain rather vague. Finally, the evidence used in the IA is not presented in an accessible manner, is not well referenced and is only partially publicly accessible. The fact that the IA support study carried out by an external consortium of consultants was not publicly available at the time of writing undermines the report's transparency.

## ENDNOTES

- <sup>1</sup> For further information on the proposal, see N. Sajn, [Ecodesign for sustainable products](#), EPRS, European Parliament, June 2022.
- <sup>2</sup> For further information on implementation, see I. Bacian, [Revision of the Ecodesign Directive](#), EPRS, European Parliament, April 2022.

This briefing, prepared for the ENVI committee, analyses whether the principal criteria laid down in the Commission's own Better Regulation Guidelines, as well as additional factors identified by the Parliament in its Impact Assessment Handbook, appear to be met by the IA. It does not attempt to deal with the substance of the proposal.

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[eprs@ep.europa.eu](mailto:eprs@ep.europa.eu) (contact)

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